

**Enrolled Minutes of the Ninety-Eighth Regular or Special Meeting
For the Twenty-Sixth Highland Town Council
Regular Meeting
Monday, December 12, 2011**

Study Session. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, December 12, 2011 at 6:47 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Dan Vassar, Konnie Kuiper, and Brian Novak were present. Councilor Herak was delayed owing to work. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council discussed the agenda of the imminent meeting.
2. The Town Council discussed the minimum age for membership approved by the Park and Recreation Board for its Fitness Center in the forthcoming Community Center Reconstruction. Some councilors expressed concern about the minimum age being 10 years of age.

The study session ended at 6:59 O'clock p.m.

Regular Meeting. The Twenty Sixth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, December 12, 2011 at 7:00 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Council President Brian Novak, presided and the Town Clerk-Treasurer was present to memorialize the proceedings. The meeting was opened with Councilor Bernie Zemen reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Konnie Kuiper and Brian Novak. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Town Attorney; John M. Bach, Public Works Director; Peter T. Hojnicky, Metropolitan Police Chief; Kenneth J. Mika, Building Commissioner; William R. Timmer, CFOD, Fire Chief; Alex M. Brown, CPRP, Parks and Recreation Superintendent; and Cecile Petro, Redevelopment Director were present.

Also Present: Ed Dabrowski, IT Director; Lisa Gauthier of the Community Events Commission; and Dennis Adams of the Town Board of Metropolitan Police Commissioners were also present.

Minutes of the Previous Session

The minutes of the regular meeting of 28 November 2011 were approved by general consent.

Staff Reports: The Council received the following reports as information for the record:

• Building & Inspection Report for November 2011

Permit Type	Number.	Residential	Commercial	Est. Cost	Fees
Commercial	0	0	0	\$0.00	\$0.00
Buildings:					
Commercial	3	0	3	\$5,000.00	\$433.50
Additions or					

Remodeling:					
Signs:	5	0	5	\$54,944.00	\$1,833.50
Single Family:	0	0	0	\$0.00	\$0.00
Duplex/Condo:	0	0	0	\$0.00	\$0.00
Residential	0	0	0	\$0.00	\$0.00
Additions:					
Residential	64	64	0	\$292,141.00	\$5,625.00
Remodeling:					
Garages:	0	0	0	\$0.00	\$0.00
Sheds:	0	0	0	\$0.00	\$0.00
Decks & Porches:	2	2	0	\$6,060.00	\$395.00
Fences	2	2	0	\$2,833.00	\$157.00
Swimming pools:	0	0	0		\$0.00
Drain Tile	4	4	0	\$39,430.00	\$699.00
/Waterproofing					
Misc.	0	0	0		\$0.00
Total:	80	72	8	\$400,408.00	\$9,143.00
Electrical	10	6	4		\$908.00
Permits					
Mechanical	6	4	2		\$663.00
Permits					
Plumbing	6	5	1		\$785.50
Permits					
Water Meters	0	0	0		\$0.00
Water Taps	0	0	0		\$0.00
Sewer/Storm	0	0	0		\$0.00
Taps					
Total Plumbing	6	5	1		\$785.50
Permits:					

November Code Enforcement:

Warnings: 130

Citations: 22

November Inspections:

Building: 48 Electrical: 31 Plumbing: 08 Electrical Exams: 2

• Fire Department Report for November 2011

	Month	Y.T.D.
General Alarms	13	62
Still Alarms	9	35
Paid still alarms	6	25
Total:	18	

• Workplace Safety Report for November 2011

There was one incident in November. The following incident summary was filed:

Department	Injuries this Month	Year to Date 2011	Total in 2010	Restricted Days 2011	Lost Workdays This Year	Restricted Days Last Year (2010)	Lost Workdays Last Year (2010)
Parks	0	0	2	0	0	25	3
Fire	0	0	2	0	0	0	0
Police	0	3	9	0	0	39	23
Street	0	5	1	2	0	0	0
Water & Sewer	1	5	1	4	77	88	0
Maint.	0	1	1	0	0	68	0
Other	0	2	2	0	0	0	0
TOTALS	1	16	18	6	77	220	26

Effective January 1, 2002, OSHA changed the record keeping guidelines. The municipality now counts the number of days lost from the day after the injury until the employee returns to work. Weekend, holidays, vacation days or other days scheduled off are included in the lost days count to a maximum of 180 days.

Unfinished Business and General Orders:

1. **Resolution No. 2011-51:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Municipal Cumulative Capital Development (MCCD) Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-51. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2011-51**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Municipal Cumulative Capital Development Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Municipal Cumulative Capital Development Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

MUNICIPAL CUMULATIVE CAPITAL DEVELOPMENT FUND

Reduce Account:	#430.04 Police Furn. & Fixtures	\$3,792.00
	#430.09 Police Vehicles	\$5,636.00
	<i>Total 400 Series Reductions</i>	<u>\$9,428.00</u>

Increase Account:	#220.04 Vehicle Parts & Supplies	<u>\$9,428.00</u>
	<i>Total 200 Series Increases</i>	\$9,428.00

Total of All Fund Decreases:	\$9,428.00
Total of All Fund Increases:	\$9,428.00

DULY RESOLVED and ADOPTED this 12th Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

2. **Resolution No. 2011-52:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Metropolitan Police Department Of The Corporation General Fund As Requested By The

Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-52. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2011-52**

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the METROPOLITAN POLICE DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Metropolitan Police Department of the Corporation General Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That is has been shown that certain existing unobligated appropriations of the **Metropolitan Police Department of the Corporation General Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

CORPORATION GENERAL FUND

Metropolitan Police Department

Reduce Account:	#111.05 Records Full-Time	\$ 193.00
	#111.14 Radio Operators Part-Time	\$11,100.00
	#111.18 Lance Corporals	\$ 3,434.00
	#111.20 Corporals	\$ 7,153.00
	#111.21 Patrol	\$31,469.00
	#111.22 Radio Operators Full-Time	\$ 2,842.00
	#111.30 Sworn Overtime	\$ 9,389.00
	#112.01 FICA/Medicare – Civil	\$ 2,000.00
	#112.09 PERF – Civil	\$ 763.00
	#113.01 Uniform Allowance	\$ 600.00
	<i>Total 100 Series Decreases</i>	<u>\$68,943.00</u>
Reduce Account:	#340.23 Health/Medical Insurance	\$ 8,610.00
	#340.42 Survivor's Benefits	\$ 1,044.00
	#340.43 Life Insurance	<u>\$ 1,158.00</u>
	<i>Total 300 Series Decreases</i>	<u>\$10,812.00</u>
Increase Account:	#210.01 Gasoline	\$15,000.00
	#210.02 Tires & Tubes	\$ 2,000.00
	#210.04 Institutional Supplies	\$ 2,000.00
	#220.04 Vehicle Parts & Supplies	\$21,997.00
	#230.04 Other Parts & Supplies	<u>\$15,100.00</u>
	<i>Total 200 Series Increases</i>	<u>\$56,097.00</u>
Increase Account:	#380.06 Service Agreements	\$20,478.00
	#390.01 Subscription & Dues	<u>\$ 3,180.00</u>
	<i>Total 300 Series Increases</i>	<u>\$23,658.00</u>
	Total of All Fund Decreases:	\$79,755.00
	Total of All Fund Increases:	\$79,755.00

DULY RESOLVED and ADOPTED this 12th Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

3. **Resolution No. 2011-53:** An Exigent Resolution Providing For The Transfer Of Appropriation Balances From And Among Major Budget Classifications In The Solid Waste District Grant Fund As Requested By The Proper Officer And Forwarded To The Town Council For Its Action Pursuant To IC 6-1.1-18-6.

Councilor Herak moved the passage and adoption of Resolution No. 2011-53. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN OF HIGHLAND
APPROPRIATION TRANSFER RESOLUTION
RESOLUTION NO. 2011-53

AN EXIGENT RESOLUTION PROVIDING for the TRANSFER of APPROPRIATION BALANCES from and AMONG MAJOR BUDGET CLASSIFICATIONS in the SANITATION DEPARTMENT of the CORPORATION GENERAL FUND as REQUESTED BY THE PROPER OFFICER AND FORWARDED to the TOWN COUNCIL for its ACTION PURSUANT TO IC 6-1.1-18-6.

WHEREAS, It has been determined that certain exigent conditions have developed since adoption of the original budget and it is now necessary to transfer certain appropriations into different categories than were initially appropriated for the various functions of the **Solid Waste Grant Fund**;

NOW, THEREFORE BE IT RESOLVED by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That for the expenses of said municipality, the following appropriations are hereby transferred and set apart out of the funds hereinafter named for the purposes specified, subject to the laws governing the same, such sums herein transferred unless otherwise stipulated by law;

Section 2. That it has been shown that certain existing unobligated appropriations of the **Solid Waste Grant Fund** which are not needed at this time for the purposes for which originally appropriated, and may be transferred to a category of appropriation in order to satisfy an existing need, as follows:

SOLID WASTE GRANT FUND

Reduce Account:	#230.04 Other Supplies	\$3,200.00
	<i>Total 200 Series Reductions</i>	\$3,200.00

Increase Account:	#380.01 Solid Waste Service	\$3,200.00
	<i>Total 300 Series Increases</i>	\$3,200.00

Total of All Fund Decreases:	\$3,200.00
Total of All Fund Increases:	\$3,200.00

DULY RESOLVED and ADOPTED this 12th Day of December 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

4. **Resolution No. 2011-54:** A Resolution Fixing Monday, January 9, 2012 As The Time For A Public Hearing For Receiving Remonstrances And Objections From Persons Interested In Or Affected By The Designation Of An Economic Revitalization (Property Tax Abatement) Area

Councilor Zemen moved the passage and adoption of Resolution No. 2011-54. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**TOWN OF HIGHLAND, INDIANA
RESOLUTION No. 2011-54**

A RESOLUTION FIXING MONDAY, JANUARY 9, 2012 AS THE TIME FOR A PUBLIC HEARING FOR RECEIVING REMONSTRANCES AND OBJECTIONS FROM PERSONS INTERESTED IN OR AFFECTED BY THE DESIGNATION OF AN ECONOMIC REVITALIZATION (PROPERTY TAX ABATEMENT) AREA

WHEREAS, Indiana Code 6-1.1-12.1; amended, (the "Act") allows a partial abatement of property taxes attributable to "Redevelopment" or "Rehabilitation" activities in "Economic Revitalization Areas" as those terms are defined in the Act, and

WHEREAS, The Act provides that such Economic Revitalization Areas are areas within the Town which have:

"...become undesirable for, or impossible of, normal development, and occupancy because of a lack of development, cessation of growth, deterioration of improvements or character of occupancy, age, obsolescence, substandard buildings or other factors which have impaired values or prevent a normal development of property or use of property", and

WHEREAS, The Act empowers the Town Council to designate Economic Revitalization Areas within the Town by following a procedure hearing and confirmation of a Preliminary Resolution, provision of a public notice at least ten days before the date of a public hearing, conducting a public hearing and confirmation of a Final Resolution, and

WHEREAS, The Highland Economic Development Commission and the Highland Redevelopment Commission desire to have the Real Estate located at 3940 and 3950 Ridge Road designated as an *Economic Revitalization Area* for the purpose of offering property tax savings as an incentive to facilitate rehabilitation and expansion of the building at this location; and

WHEREAS, The Town Council has considered the following objectives in making a decision about Economic Revitalization Area designation:

Effective utilization of vacant urban land; rehabilitation and replacement of structures and facilities that are technologically, economically or energy obsolete located in areas where obsolescence may lead to a decline in employment and tax revenues; retention of existing jobs and creation of new jobs; and

WHEREAS, Implementation of the Economic Revitalization Area is intended to, in time, increase the property tax base of the Town of Highland, retain and create jobs and meet the Town's development objectives, and

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Highland as follows:

Section 1. The Highland Town Council will consider designating the Real Estate which is the subject of this Resolution as an Economic Revitalization Area as that term is defined in Indiana Code 6-1.1-12.1; as amended, (the "Act"). Final designation as an Economic Revitalization Area will occur only upon adoption of a Final Economic Revitalization Area Resolution confirming this Preliminary Resolution.

Section 2. The Final Resolution designating an Economic Revitalization Area may establish general standards to be used for evaluating applications for tax deduction that have a reasonable relationship to development objectives of the area and a fee for filing an application sufficient to defray actual processing and administrative costs.

Section 3. The Town Council hereby fixes **7:00 PM, Monday, January 9, 2012**, in the Council Chambers, Highland Town Hall, 3333 Ridge Road, Highland, Indiana, as the time and place for a public hearing for receiving remonstrances and objections from persons interested in or affected by the designation of a Economic Revitalization Area and directs the publication of notice of said hearing in accordance with the requirements of applicable law. At this hearing, the Town Council will take action relative to this Preliminary Resolution and determine whether the Real Estate should be declared an Economic Revitalization Area.

DULY RESOLVED and ADOPTED this 12th Day of December, 2011 by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

EXHIBIT A

LEGAL DESCRIPTION OF 3940 AND 3950 RIDGE ROAD

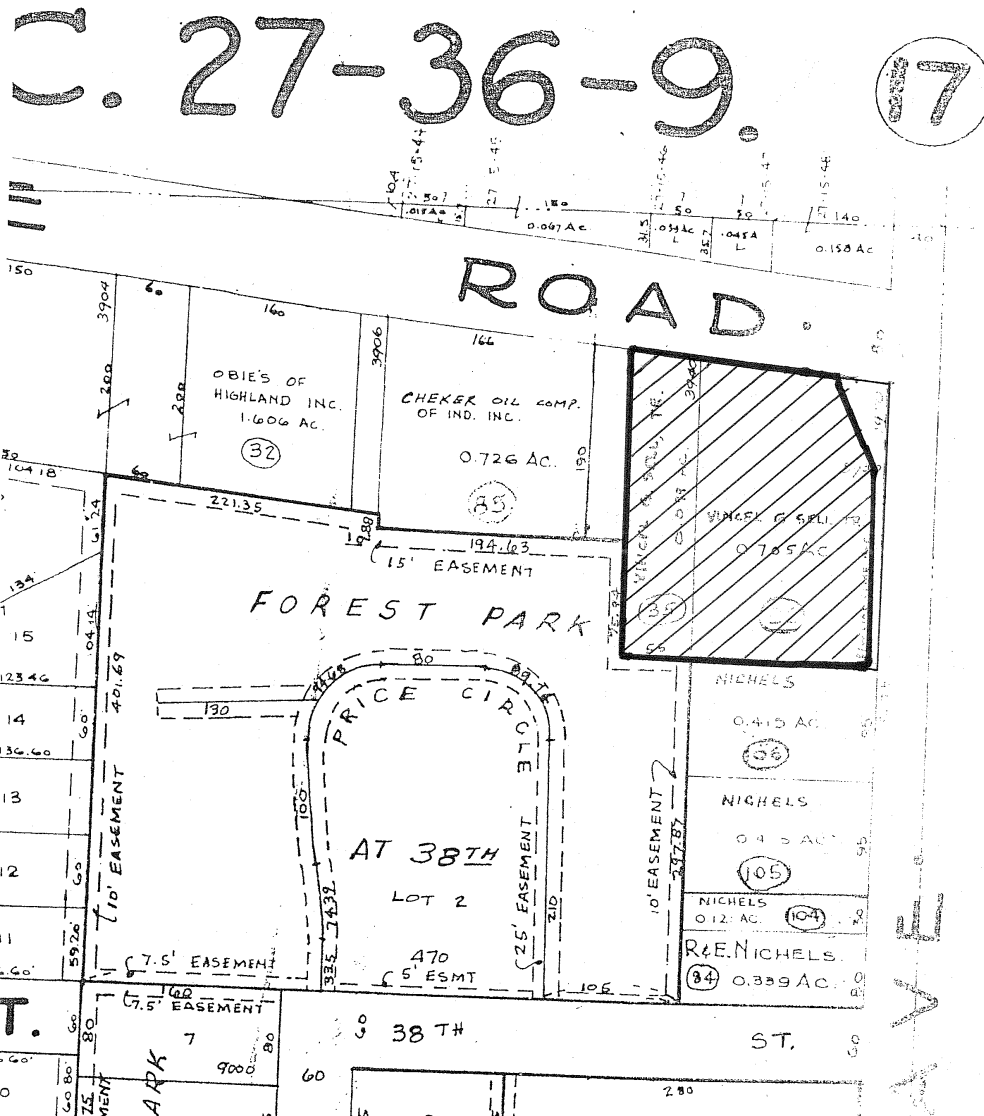
3940 RIDGE ROAD

Part of the East 440 feet of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, described as commencing at a point in the center of Ridge Road 191.178 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Northwesterly along the center of said Ridge Road 251.55 feet; thence South to the North line of the South 7 acres of the East 440 feet of the said Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$; thence East along the North line of said South 7 acres 250 feet; thence North to the point of beginning, except therefrom that part described as follows: Commencing at a point in the center of Ridge Road 442.728 feet Northwest of the East line of said Section 27 at the intersection of the center line of Cline Avenue and Ridge Road; thence Southeasterly along the center of said Ridge Road 166.20 feet; thence South 190.24 feet; thence due West to the West line of said East 440 feet; thence North to the point of beginning, in the Town of Highland, Lake County, Indiana. Key No. 27-17-35 (Parcel No. 45-07-27-228-005.000.026),

3950 RIDGE ROAD

Part of the Northeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 27, Township 36 North, Range 9 West of the 2nd Principal Meridian, in Highland, Lake County, Indiana, described as beginning at the intersection of the East line of said Section 27 with the center line of Ridge Road at a point 96.70 feet South of the Northeast corner of said Section 27; thence South 232.09 feet along the East line of said Section 27; thence West 245.00 feet at right angles of said East line of Section 27; thence North 257.18 feet at right angles to aforesaid 245 foot line to the center line of Ridge Road; thence Southeasterly on the center line of Ridge Road 246.54 feet to the place of beginning, excepting the Northerly 40 feet which is embraced in Ridge Road and also excepting that part granted to the State of Indiana by right-of-way grant, dated February 25, 1961 and recorded March 27, 1961 in Deed Record 1150, page 518, as Document No. 319407, and also excepting that part condemned in Cause No. C61-656, Lake Circuit Court, filed May 11, 1961 and excepting the West 55 feet measured along the South line thereof. Key No. 27-17-36 (Parcel No. 45-07-27-228-006.000-026).

3940 to 3950 RIDGE ROAD



5. **Resolution No. 2011-55:** A Resolution Of The Fiscal Body of The Town of Highland Fixing The Official Faithful Performance Bond of The Municipal Fiscal Officer Pursuant To I.C. 5-4-1 Et Seq.

Councilor Herak moved the passage and adoption of Resolution No. 2011-55. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

A RESOLUTION of the FISCAL BODY of the TOWN of HIGHLAND FIXING the OFFICIAL FAITHFUL PERFORMANCE BOND of the MUNICIPAL FISCAL OFFICER PURSUANT to I.C. 5-4-1 et seq.

WHEREAS, The Town Council of the Town of Highland serves as both the legislative and fiscal body of the municipality, all pursuant to I.C. 36-1-2-6, I.C.36-1-1-2-9 and I.C. 36-5-2-2;

WHEREAS, The Clerk-Treasurer is required to file an individual surety bond conditioned on the Clerk-Treasurer's faithful performance of the duties of the office of clerk-treasurer, including the duty to comply with I.C. 35-44-1-22 pursuant to I.C. 5-4-1-18(2) with such filing subject to I.C. 5-4-1-9;

WHEREAS, The Highland Town Council now desires to comply with the provisions of law identified herein,

NOW, THEREFORE, BE IT ENACTED by the Town Council of the Town of Highland, Lake County, Indiana, as follows:

Section 1. That the Town Council hereby fixes the Individual surety for the clerk-treasurer for the year **2012** in the amount of Three Hundred Thousand Dollars **(\$300,000)**;

Section 2. That the Town Council hereby finds and determines that the subject amount fixed for the bond is established according to the values and thresholds set forth in I.C. 5-4-18(c), which particularly states in pertinent part:

(a) The amount must equal thirty thousand dollars (\$30,000) for each one million dollars (\$1,000,000) of receipts of the officer's office during the last complete fiscal year before the purchase of the bond, which such amount being in Fiscal Year 2010 a net revenue of Thirty-six million, one hundred ninety-seven thousand, seventy-nine dollars and forty-four cents (\$36,197,079.44) for the purposes of the clerk-treasurer surety; and

(b) The amount may not be less than Thirty Thousand dollars (\$30,000) nor more than Three Hundred Thousand Dollars (\$300,000);

Section 3. That the Clerk-Treasurer be instructed and authorized to procure a surety bond pursuant to this resolution and that the proper officers take such steps as necessary to carry out the objects and purposes of this resolution;

Section 4. That the signature of the proper officer engrossed upon on the surety bond, shall represent the approval by the legislative body as set forth in IC 5-4-1-8(a)(6).

DULY RESOLVED and ADOPTED this 12th Day of December 2011, by the Town Council of the Town of Highland, Lake County, Indiana, having been passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Brian J. Novak, President

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer

6. **Works Board Order No. 2011-47: An Order Authorizing, And Approving The Payment Of Elective Honoraria Or Stipends To The Several Municipal Departments In Recognition Of And In Goodwill For Their Assistance And Support Of The Several Events Under The Aegis Of The Community Events Commission.**

Councilor Zemen moved the passage and adoption of Works Board Order No. 2011-47. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**THE TOWN OF HIGHLAND
WORKS BOARD ORDER NO. 2011-47**

AN ORDER AUTHORIZING, AND APPROVING THE PAYMENT OF ELECTIVE HONORARIA OR STIPENDS to the SEVERAL MUNICIPAL DEPARTMENTS in Recognition of and in Goodwill for their ASSISTANCE AND SUPPORT OF THE SEVERAL EVENTS UNDER THE AEGIS OF THE COMMUNITY EVENTS COMMISSION.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality as well as the works board pursuant to IC 36-1-2 et seq.,

Whereas, The Highland Community Events Commission, did organize and marshal several community events which included but were not limited to the annual Independence Day and Christmas Parades, the annual Independence Day Festival, and Historic Re-Enactments; and

Whereas, The Highland Community Events Commission did rely on the support and special services of the Highland Parks and Recreation Department, the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau of the Metropolitan Police Department in carrying out its programing for the year;

Whereas, The Highland Community Events Commission has informed the Town Council that is has been customary and is highly desirable for the payment of an honorarium or stipend to some of the participating municipal departments in recognition of their laudable support and contribution to the special event programming during the year;

Whereas, The Highland Community Events Commission has further recommended, requested and identified appropriations in the Special Events Non Reverting Fund be authorized to support the payment of these honoraria and stipends;

Whereas, The Town Council has been reliably advised that many employees of the Highland Parks and Recreation Department and the Public Works Department (Agency) and the Volunteers in Police Services (VIPS) bureau of the Metropolitan Police Department, do expend time, labor and creative process to support the Town of Highland's community programming; and,

Whereas, Under its authority of IC 36-1-3, The Town passed and adopted Section §33.03 of the Highland Municipal Code which provides in pertinent part that the Town Council is authorized to budget and appropriate funds from the general fund of the town to pay the expenses incurred in promoting the best interests of the town and that such expenses may include, but not necessarily be limited to those incurred in developing relations with other units of government or any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the Town; and,

Whereas, The Town Council has reviewed the matter, and now desires to make findings and determinations related to these recommendations and requests and to favor the recommendation and request of the Community Events Commission, as made at its meeting of December 8, 2011,

Now Therefore Be it hereby Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the following named municipal departments, agencies or departmental bureaus, be paid an elective honorarium in the amount specified, in appreciation and recognition of their contribution and support for the year's community events, as follows:

(A)	Parks and Recreation Department	\$500.00
(B)	Public Works Department (Agency)	\$500.00
(C)	VIPS Bureau of the Metropolitan Police Department	\$250.00;

Section 2. That the Town Council hereby finds and determines that the forgoing activities and items of expense are lawful and proper expenses incurred in promoting the best interests of the Town as set forth in Section §33.03 of the Highland Municipal Code which reads as follows:

§ 33.03 AUTHORITY OF TOWN COUNCIL TO REIMBURSE TOWN OFFICIALS FOR CERTAIN EXPENSES.

The Town Council is hereby authorized to budget and appropriate funds from the general fund of the town to pay the expenses of, and to reimburse, town officials for expenses incurred in promoting the best interests of the town. Such expenses may include, but not necessarily be limited to meals, decorations, memorabilia, awards, expenses incurred in interviewing job applicants, expenses incurred in promoting industrial, commercial, and residential development, expenses incurred in developing relations with other units of government, and any other expenses of civic or governmental nature deemed by the Town Council to be in the interests of the town.

Section 3. That the Town Council further finds and determines that the activities and expenses as described herein, while not paid from the Corporation General Fund, are uses and expenditures consistent with the purposes of the **Special Events Non Reverting Fund, when proper appropriations are accordingly approved;**

Section 4. That the Clerk-Treasurer is hereby authorized and instructed to prepare sufficient accounts payable vouchers against the appropriate fund and account for the benefit of each of the several municipal departments, agencies or bureaus as may be identified by the Community Events Commission, depicting the expense as an Honorarium or Stipend, in the amount herein fixed, to be paid to the proper donation fund, for the benefit of the named municipal department, agency or bureau, and to take such other measures to carry-out the purposes and objects of this order.

Section 5. That any actions taken by public officers in advance and in anticipation of the passage and adoption of this order, are hereby ratified, all pursuant to IC 36-1-4-16.

Be it so ordered.

DULY, PASSED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of December 2011 having passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

7. Action to Reschedule the Standing Plenary Business Meeting of the Town Council from Monday December 26, 2011 to Tuesday, December 27, 2011, pursuant to Section § 30.27 (D) of the Highland Municipal Code.

Councilor Herak moved, seconded by Councilor Vassar to reschedule the regular plenary business meeting as indicated. Upon a roll call vote, there were five affirmatives and on negatives. The motion passed. The meeting was rescheduled for **Tuesday, December 27, 2011;**

8. Action to approve overtime payments for Exempt Salaried Personnel, pursuant to Section 3 of Ordinance No. 1375 the Wage and Salary Ordinance, as amended and Section §4.03.01 of the Compensation and Benefits Ordinance. This waives the provisions of Section § 2.01 of the Compensation and Benefits Ordinance.

8.1 The Metropolitan Police Chief requests favorable action for R. Potesta, who is an exempt salaried employee, and investigations division commander, in the amount of \$100 for work associated with Highland Grove Mall Special Security.

8.2 The Metropolitan Police Chief requests favorable action for P. Vassar, who is an exempt salaried employee, Assistant Police Chief and Patrol Division Commander, in the amount of \$100.00, for work associated with Highland Grove Mall Special Security.

Councilor Herak moved, seconded by Councilor Zemen to approve the paid overtime as presented for Commander Potesta. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Paid overtime for the salaried supervisory person, Commander Potesta, was approved.

Councilor Herak moved, seconded by Councilor Zemen to approve the paid overtime as presented for Assistant Chief Vassar. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The Paid overtime for the salaried supervisory person, Assistant Chief Vassar, was approved.

9. Action to approve purchase of up to one-week of vacation time in lieu of time off, pursuant to Section §5.02.09 of the Compensation and Benefits Ordinance.
 - 9.1 *The Metropolitan Police Chief requests favorable action for P. Hojnicky, for the Town to purchase 5 days in the amount of \$1,360.77.*
 - 9.2 *The Metropolitan Police Chief requests favorable action for P. Vassar, for the Town to purchase these 5 days in the amount of \$1,179.95.*
 - 9.3 *The Metropolitan Police Chief requests favorable action for R. Potesta, wishes the Town to purchase 5 days in the amount of \$1,179.95.*
 - 9.4 *The Metropolitan Police Chief requests favorable action for G. Georgeff, for the Town to purchase 5 days in the amount of \$1,179.95.*
 - 9.5 *The Metropolitan Police Chief requests favorable action for G.Cox, for the Town to purchase 2 days in the amount of \$414.54.*
 - 9.6 *The Metropolitan Police Chief requests favorable action for E. Swisher for the Town to purchase 5 days in the amount of \$1,041.13.*

- 9.7 *The Metropolitan Police Chief requests favorable action for J. Hildenbrand, at time of request for the Town to purchase 5 days in the amount of \$994.20.*
- 9.8 *The Metropolitan Police Chief requests favorable action for D. Matusik, for the Town to purchase 2 days in the amount of \$395.60.*
- 9.9 *The Metropolitan Police Chief requests favorable action for C. Wright for the Town to purchase 5 days in the amount of \$989.40.*
- 9.10 *The Metropolitan Police Chief requests favorable action for C. Reno, for the Town to purchase 5 days in the amount of \$601.20.*

Councilor Herak moved, seconded by Councilor Kuiper to approve the vacations buy-out for Chief Hojnicky, Commander Potesta, Commander Georgeff, Officers Cox, Swisher, Hildenbrand, Matusik, Wright and Cynthia Reno. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The several vacation buy-outs as presented were approved.

Councilor Herak moved, seconded by Councilor Zemen to approve the vacations buy-out as presented for Assistant Chief Vassar. Upon a roll call vote, there were four affirmatives, no negatives, and one abstention. With Councilors Zemen, Herak, Kuiper and Novak voting in the affirmative and Councilor Vassar abstaining, the motion passed. The vacation buy-out for Assistant Chief Vassar, was approved.

10. **Works Board Order No. 2011-48:** An Order Authorizing and Approving An agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality.

Councilor Herak moved that consideration of Works Board Order No. 2011-48 be tabled but the motion did not obtain a second. The motion was not considered.

Councilor Kuiper moved the passage and adoption of Works Board Order No. 2011-48. Councilor Zemen seconded. Upon a roll call vote, there were four affirmatives and one negative. With Councilors Zemen, Vassar, Kuiper and Novak voting in the affirmative and Councilor Herak voting in the negative, the motion passed. The order was adopted.

**The Town of Highland
Board of Works
Order of the Works Board No. 2011-48**

An Order Authorizing and Approving An agreement between CBL Consulting, Incorporated and the Town of Highland to perform Professional Information Technology services for the Municipality

Whereas, The Town of Highland, through its Town Council, which is the Works Board of the Municipality has heretofore determined that a need exists to provide information technology support services throughout the Town;

Whereas, The Town has heretofore determined that a need exists to engage professional information technology services associated with support of the several software applications and certain hardware used by the several departments of the Town; and

Whereas, CBL Consulting, Inc, an information technology firm, has consented to provide professional services related to certain support needs related to the information technology of the several departments of the municipality; and

Whereas, As purchasing agency, the Town Council may purchase services using any procedure it considers appropriate, pursuant to IC 5-22-6-1; and

Whereas, The Highland Municipal Code provides that, the Town Council may make all contracts for professional services on the basis of competence and qualifications for the type of services to be performed, and negotiate compensation that the public agency determines to be reasonable, pursuant to Section §31.62; and

Whereas, There are sufficient and available appropriations balances on hand to support the payments for these services under the agreement, pursuant to IC 5-22-17-3(e); and

Whereas, The Town of Highland, through its Town Council now desires to accept and approve the agreement for services as herein described.

Now Therefore be it Ordered by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the letter proposal serving as an agreement (incorporated by reference and made a part of this Order) between CBL Consulting Incorporated, and the Town of Highland, to provide professional information technology support services for the period beginning *1 January 2012 through to 31 December 2013* as described in the letter proposal is hereby approved, adopted and ratified in each and every respect;

Section 2. That the charges under the agreement for the services, which include functioning as the Town of Highland information technology director by performing routine and necessary maintenance on equipment identified in the letter proposal, perform data protection services for the town information work product, work associated with the Redevelopment Wireless Network, providing technical consulting, and other related service are found to be reasonable and fair, all pursuant to IC 5-22-6-1 and Section § 31.62 of the municipal code;

Section 3. That the charges under the terms of the agreement for all the services, will be paid as a monthly fee to CBL Consulting, Inc., in the following monthly amounts:

- (A) For the period January 2012 through December 2012, the monthly charge for services is fixed at Three thousand, one hundred dollars (\$3,100);
- (B) For the period January 2013 through December 2013, the monthly charge for services is fixed at Three thousand, five hundred dollars (\$3,500);

Section 4. That the executive departments of municipality may use the services according to the terms of the agreement;

Section 5. That the Town Council President be authorized to execute any agreement under the terms of this order with his signature as attested thereto by the Clerk-Treasurer.

Be it so Ordered.

DULY, PASSED, ADOPTED and ORDERED by the Town Council of the Town of Highland, Lake County, Indiana, acting as the Works Board, this 12th day of December 2011 having passed by a vote of 4 in favor and 1 opposed.

WORKS BOARD of the TOWN of
HIGHLAND, INDIANA

Brian J. Novak, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

**Comments from the Town Council Members
(For the Good of the Order)**

- **Councilor Bernie Zemen:** • *Park and Recreation Board Liaison Lake County Solid Waste Management District Board of Directors • President's designee to Chair the Select Centennial Commission • Chamber of Commerce, Liaison • Redevelopment Commission Liaison.*

Councilor Zemen acknowledged the Parks and Recreation Superintendent who reported on the status of the House decoration contest.

Councilor Zemen recognized the Redevelopment Director who reported on the scheduling of a third so-called "Pop-up Gallery" property promotion to be conducted at the new commercial spaces located on Main Street, owned by Grimmer Construction.

Councilor Zemen expressed appreciation for the outpouring of sympathy and sentiments of support he received regarding the recent death of his Dad, Bernard Zemen.

- **Councilor Mark Herak:** • *Budget and Finance Chair • Liaison to the Board of Waterworks Directors • Liaison to the Board of Sanitary Commissioners.*

Councilor Herak expressed condolences to Councilor Vassar on the recent death of his mother-in-law.

Councilor Herak acknowledged the Public Works Director, who reported on the status of informal discussions between representatives of the Highland and Hammond Sanitary Districts regarding service issues.

Councilor Herak wished all present Happy Holidays.

- **Councilor Dan Vassar:** • *Plan Commission, member.*

Councilor Vassar, acknowledged the Building Commissioner who offered a cursory survey of matters before the Plan Commission.

Councilor Vassar wishes everyone a Merry Christmas and Happy New Year.

- **Councilor Konnie Kuiper:** • *Fire Department, Liaison • Town Board of Metropolitan Police Commissioners, Liaison.*

Councilor Kuiper recognized the Fire Chief who offered a survey of a recent incident response involving the Fire Department.

Councilor Kuiper recognized the Metropolitan Police Chief who commended caution to persons who travel the overpass/bridge on Indianapolis Boulevard between Ridge Road and 81st Street in Highland while it is under construction by the Indiana Department of Transportation. He further reported that the recently acquired law enforcement dog and handler had completed training.

- **Councilor Brian Novak:** • *Advisory Board of Zoning Appeals, Liaison • Chairman, Board of Police Pension Trustees • Municipal Executive.*

Town Council President acknowledged the Building Commissioner who offered a brief survey regarding matters before the Advisory Board of Zoning Appeals.

Town Council President further expressed holiday wishes to all.

Comments from the Public or Visitors

1. Mike Goodson, 3221 Grand Boulevard, described what he characterized as a “feral cat” problem particular to his neighborhood. He further described measures that his wife and he had taken to care for strays that they encountered or rescued, and reported that he had as many as 23 different cats in his yard this year to date.

Mr. Goodson further indicated that his efforts contacting both the Calumet Area Humane Society and efforts to prevent the establishment or growth of a feral cat colony.

2. Kathy Goodson, 3221 Grand Boulevard, amplified the concerns expressed by Mr. Goodson, her husband. Ms. Goodson described the more fully the efforts of rescuing cats to which her husband alluded. She further expressed her disappointment regarding the inability of the Animal Control officer to address the feral cat issue. Ms. Goodson and her husband appealed to the Town Council to try to improve the situation so that the feral cats problem could be addressed humanely.
3. Charlotte Hanrahan, 3209 Grand Boulevard, Highland, expressed her surprise and unhappiness that she reported an opossum in her garage but was advised that Highland Animal Control could not address it.
4. Ted Oberc, 2704 Lincoln Street, wished all a Merry Christmas and Happy New Year.

Payment of Accounts Payable Vouchers. There being no further comments from the public or visitors, Councilor Herak moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period November 28, 2011 through to

December 12, 2011 as well as the payroll accounts payable dockets for the payday of November 18, 2011. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The accounts payable vouchers for vendors and the payroll voucher docket were allowed and the clerk-treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$323,604.20; Motor Vehicle Highway and Street (MVH) Fund, \$21,284.82; Law Enforcement Cont. Education and Supply Fund, \$23.29; Capital Retainage Agency Fund, \$18,316.26; Flexible Savings Agency (FSA) Fund, \$231.00; Insurance Premium Fund, \$126,459.88; Gasoline Agency Fund, \$12,170.43; Information and Communications Technology Fund, \$5,339.39; Civil Donation Fund, \$21.58; Police Pension 1925 Plan Fund, \$483.41; Municipal Cumulative Capital Development Fund, \$26,610.36; Traffic and Law Violations Agency Fund, \$6,675.00; Safe Neighborhood Grant Fund, \$2,354.75; Sexual Predator Grant Fund, \$4,285.00; Gaming Revenue Sharing Fund, \$25,446.59; Special Public Safety Fund, \$13,758.55; Payroll Fund, \$3.38; Total: \$587,067.89.

Payroll Accounts Payable Docket for November 18, 2011.

Council, Boards and Commissions, \$8,438.70; Office of the Clerk-Treasurer, \$11,369.33; Building and Inspection Department, \$6,731.12; Metropolitan Police Department, \$100,356.41; Fire Department, \$2,842.93; Public Works (Agency) Department, \$54,766.62; (1925 Law) Police Pensions, \$54,513.54. Grand Total: \$239,018.65.

Adjournment. Councilor Kuiper moved that the plenary meeting be adjourned. Councilor Herak seconded. Upon a vote *viva voce*, the motion passed. The regular meeting of the Town Council of Monday, December 12, 2011 was adjourned at 7:43 O'clock p.m. There was no study session following the plenary meeting.

Michael W. Griffin, IAMC/MMC/CPFA
Clerk-Treasurer